

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

FRANK FISCHER, an individual,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:05-cv-00763-DRB
)	
SYSCO FOOD SERVICES OF)	
CENTRAL ALABAMA, INC., et al.,)	
)	
Defendants.)	

REPORT OF PARTIES' PLANNING MEETING

This case was removed to this Court on August 10, 2005. Counsel have only recently conducted their meeting under Rule 26(f) due to plaintiff's counsel's change in law firms shortly after the removal of this case. Due to this change in law firms, there was a period of time when plaintiff's counsel did not know whether he would continue to represent plaintiff. That issue has now been resolved, and plaintiff is ready to proceed with the case.

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting will be held on December 13, 2005 via telephone and will be attended by:

Davis L. Middlemas for Plaintiff
Arnold W. Umbach III for Defendant

2. Pre-Discovery Disclosures. The parties will exchange by January 27, 2006 the information required by Fed. R. Civ. P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects: the allegations of the complaint, defendant's defenses, and damages.

All discovery commenced in time to be completed by: June 27, 2006.

Maximum of 30 interrogatories by each party to any other party.
[Responses due 30 days after service.]

Maximum of 30 requests for production by each party to any other party.
[Responses due 30 days after service.]

Maximum of 30 requests for admission by each party to any other party.
[Responses due 30 days after service.]

Maximum of 10 depositions by plaintiff(s) and 10 by defendant(s).

Each deposition is limited to a maximum of 7 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due from plaintiff(s) by April 27, 2006, and from defendant(s) by May 26, 2006.

Supplementation under Rule 26(e) due as needed with final supplementation due 30 days prior to the close of discovery.

4. Other Items.

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference November 2006.

Plaintiff(s) should be allowed until February 27, 2005 to join additional parties and to amend the pleadings.

Defendant(s) should be allowed until March 27, 2006 to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by July 28, 2006.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiff 45 days prior to trial and from defendant 30 days prior to trial.

Parties should have 15 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by January 2007 and at this time is expected to take approximately 3 days.

s/Davis L. Middlemas

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Attorney for Plaintiff

s/Arnold W. Umbach III

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